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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
2 -----x

3 RED ROCK SOURCING LLC, *et al.*,

4 Plaintiffs,

5 v.

21 Civ. 1054 (JPC)
Remote Proceeding

6 JGX, LLC, *et al.*,

7 Defendants.

8 -----x
9 New York, N.Y.
July 13, 2021
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 11:02 a.m.
Before:
HON. JOHN P. CRONAN,
District Judge
APPEARANCES
NIXON PEABODY, LLP
Attorneys for Plaintiffs
BY: DANIEL A. SCHNAPP
LAZARUS & LAZARUS, P.C.
Attorneys for Defendant JGX
BY: YVETTE J. SUTTON
ALSO PRESENT: DAVID AMOYELLE
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(The Court and all parties appearing telephonically)

MR. AMOYELLE: Hello? Hello?

THE COURT: Who is saying Hello?

MR. AMOYELLE: David Amoyelle.

THE COURT: OK. Well, this is Judge Cronan. How are you. We are about to get started.

(Case called)

THE COURT: Before we begin, I note that we have a court reporter on the line. I ask everyone who speaks to try to speak as clearly as you can and also identify yourself if it isn't completely obvious who is speaking so we have an accurate transcript. The reporter, of course, should not hesitate to interrupt any of us, including me, if you are having any difficulty following the proceedings or who is speaking.

This telephone line is also open to the public and press on a listen-only basis. I remind everyone who may be on the line that the Court prohibits the recording and rebroadcasting of court conferences -- including this one -- and violations could result in sanctions.

So, let me find out first who we have on the line. I will start with the plaintiff.

MR. SCHNAPP: Good morning, your Honor. This is Daniel Schnapp from Nixon Peabody, and we represent the plaintiffs Red Rock Sourcing, LLC, and Coronado Distributing, LLC.

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1 THE COURT: Good morning.

2 MS. SUTTON: Good morning, your Honor. This is Yvette
3 Sutton of Lazarus & Lazarus, PC, representing JGX, LLC.

4 THE COURT: Thank you, Ms. Lazarus.

5 And do we have anyone on the line representing Liberty
6 International Distributors?

7 MR. AMOYELLE: I am representing myself, my name is
8 David Amoyelle.

9 THE COURT: Who are you? This is Judge Cronan.
10 Mr. Amoyelle, who are you and who are you representing? You
11 are not a defendant.

12 MR. AMOYELLE: I am representing myself, I am Liberty.

13 THE COURT: OK. Well, you are not a defendant. The
14 company is a defendant and the company will need to be
15 represented by an attorney. Are you an attorney?

16 MR. AMOYELLE: I'm not.

17 THE COURT: OK. Well, you can't represent the company
18 then. So, does the company have an attorney?

19 MR. AMOYELLE: The company does not have an attorney
20 nor can the company afford an attorney.

21 THE COURT: Well, that is something that the company
22 is going to need to figure out because that is a problem. A
23 non-attorney cannot represent a corporate defendant. That is
24 very clearly established, at least in my view. That is my
25 understanding of the law.

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1 Mr. Schnapp, is that your understanding as well?

2 MR. SCHNAPP: It is, your Honor.

3 THE COURT: OK. So Mr. Amoyelle, I appreciate you
4 joining today but you cannot appear on behalf of Liberty, an
5 attorney will have to appear on behalf of Liberty.

6 MR. AMOYELLE: I do understand this.

7 This company was made overnight for COVID. I don't
8 have any experience running any company. I'm a guy that runs a
9 warehouse, a simple guy. I cannot afford it. I am actually
10 put into a mess by these -- by some of these other parties and
11 I cannot afford an attorney. And so, therefore, I was told to
12 be on this call by JGX. I got an e-mail from their attorney
13 asking me to join this call and this is the reason why I am on
14 this call.

15 If anybody, any of the parties has any questions for
16 me I would be more than happy to answer if the Judge agrees
17 that I answer the questions, of course.

18 That's about it.

19 THE COURT: Thank you, Mr. Amoyelle. This is Judge
20 Cronan again.

21 Unfortunately, that is not the way it can work here
22 given that the defendant in this case is a corporation.

23 Ms. Sutton, given that Mr. Amoyelle mentioned that he
24 was contacted by JGX counsel, do you have any information you
25 can share with us?

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1 MS. SUTTON: This is Ms. Sutton.

2 I would share that we notified -- we have been in
3 communication with Mr. Amoyelle concerning a subpoena that we
4 sent to Liberty in connection with our request for documents.
5 He provided the documents and I simply notified Mr. Amoyelle of
6 the Court date for today and advised him of the information.

7 THE COURT: Thank you, Ms. Sutton. Sorry about that.
8 Thank you for clarifying.

9 Mr. Schnapp, do you have any thoughts on what would be
10 appropriate to do today since Mr. Amoyelle is appearing -- is
11 present on the call, I should say, although still no one has
12 appeared on behalf Liberty?

13 MR. SCHNAPP: Well, your Honor, first of all, I would
14 like to say I don't -- and I'm not accusing anyone of anything.
15 I don't believe -- and if Ms. Sutton wishes to correct me,
16 please do because I'm not a hundred percent sure, I'm not sure
17 I received the results of that subpoena which I think we are
18 required to be provided a copy of.

19 I am a little concerned that even telling Mr. Amoyelle
20 to appear today could be construed as something that is, you
21 know, not entirely formal but I'm going to -- but I don't know
22 and I don't -- you know, that's all I can say about it. What I
23 do know is that Mr. Amoyelle is, he is not a defendant in this
24 case, he is at this time a third-party witness. I agree with
25 your Honor's assessment that the company, the corporate

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1 defendant needs to have counsel which it does not, and we are
2 ready to proceed with regard to our motion for default. And,
3 if the Court wishes, I can bring the Court up to date on what
4 has transpired since our last conference.

5 MR. AMOYELLE: Permission to speak, your Honor?

6 THE COURT: No. Denied. You are not representing --
7 you are not an attorney, you are not representing the company,
8 and you are not a defendant. You are welcome to join for this
9 conference and I will do my best to explain what is going on
10 but, again, the corporate defendant will need to have counsel
11 to appear in this case and if it does not have an attorney, it
12 runs the risk of a default judgment being entered against the
13 corporate defendant -- against Liberty -- which is the purpose
14 of today's hearing.

15 But, Mr. Schnapp, if you want to give me an update?

16 MR. AMOYELLE: Is there financial aid to hire a lawyer
17 or something? There has got to be a law out there, there has
18 to be something to protect me here. Can I seek financial
19 counsel or something? I forgot the legal terminology for it.
20 Excuse me, I couldn't --

21 THE COURT: In a criminal case criminal defendants are
22 entitled to counsel free if they're unable to afford one. That
23 does not apply in civil cases which this is. If an attorney
24 wishes to take this on on behalf of the company pro bono, as in
25 without charging, an attorney could do that but there is no

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1 requirement under the law that an attorney does that.

2 MR. AMOYELLE: Your Honor, I have tried to hire an
3 attorney pro bono and nobody took my case and at this point I
4 don't have -- you know, I can give you everything in my bank
5 account, I have nothing in it to be able to afford an attorney.
6 This is my issue. And I just want to speak the truth and put
7 it out there because I'm sure your Honor will understand, once
8 the truth is out there, what exactly here is going on. And I
9 don't believe that in the legal system I don't get an
10 opportunity to say my story.

11 THE COURT: Mr. Amoyelle, I understand what you are
12 saying and your frustration but now we need to go to
13 Mr. Schnapp and have him give an update on where things stand.

14 Mr. Schnapp, please, go ahead.

15 MR. SCHNAPP: Yes, your Honor.

16 So, your Honor may recall that going back I'm going to
17 say two or three months, I don't recall the date, the issue of
18 Liberty's failure to appear was brought up and at that time I
19 had a conversation with somebody who is an attorney who had not
20 formally represented Liberty but was suggesting that there
21 could be some kind of an arrangement that could be made in the
22 form of some kind of settlement. That individual, when I
23 followed up with him, did not respond and that was the last
24 communication I had. So, that was probably in, I want to say
25 it was in April. And then, since that time, I personally had

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1 communications with Mr. Amoyelle who, as he has already put on
2 the record, is the principal of the corporate defendant. We
3 did have a settlement communication, at least one, that did not
4 result in any kind of a settlement for reasons that I can't get
5 into in detail, but the bottom line is that no one has appeared
6 on behalf of Liberty, no attorney.

7 All of the filings including the pleadings as well as
8 the motions have been served. I believe the affidavit of
9 service has been filed on the Court's docket. We are mindful
10 of your Honor's order with relation to with the fact that this
11 case is in the very early stages of discovery and it would be
12 perhaps be premature to have any kind of damages award
13 assessed. The fact is that we have not yet even taken the
14 depositions of the actual parties. So far we have taken -- the
15 only deposition is of a third-party witness who did provide
16 documentation and who did appear for a fairly lengthy
17 deposition. It was an important and instructive deposition and
18 where we are now is there is no question that Liberty has
19 failed to appear.

20 We agree with your Honor's assessment that it is
21 premature to enter damages award, however we do believe that
22 given the failure to appear given the fact that we don't
23 believe there would be any prejudice to JGX who has
24 cross-claimed against Liberty, that it is appropriate for this
25 Court to enter a default judgment on the issue of liability

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1 only and to proceed from this point, which we believe would be
2 very fruitful, and we believe that we would be in a position,
3 whether through summary judgment or trial, be able to
4 demonstrate for the Court a very clear picture of what happened
5 here. I don't even believe that the parties are -- I don't
6 want to speak for JGX, I don't want to speak for Liberty, but I
7 believe there is already significant evidence in the record to
8 suggest that we are going to be in a position at a point down
9 the record to either file for summary judgment or take the case
10 to trial, if necessary.

11 So that is where we are, your Honor. I'm happy to
12 talk more about the causes of action. They are in our papers,
13 obviously, but I don't want to take up the Court's time, but
14 the remedy we are asking for is an order on the issue solely as
15 to the liabilities against Liberty.

16 THE COURT: Let me turn to Mr. Schnapp.

17 Let me turn to Ms. Sutton. What is JGX' view on
18 whether it is appropriate to issue default just on liability as
19 to Liberty at this stage?

20 MS. SUTTON: We do not represent Liberty. And, with
21 respect to JGX, I don't think it will impact any of the claims
22 as against JGX LLC. With respect to Mr. Schnapp's comments
23 regarding seeing the documents received from Liberty, we
24 received them last evening and are processing them and will get
25 them over to his firm of course in due course. We are really

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1 just starting in the discovery phases of this action so we
2 don't know what will come out in discovery. The parties have
3 not exchanged their ESI discovery yet, we are in the process of
4 meeting and conferring regarding the voluminous number of hits
5 and key words that came up responsive to the plaintiff's key
6 word requests. So, if anything else comes up down the road we
7 will bring it to the Court's attention but at this point in
8 time we don't see how a finding would impact the claims against
9 our client.

10 THE COURT: This is Judge Cronan.

11 Thank you, Ms. Sutton. The reason I asked is because,
12 as Judges have noted, including Judge Nathan in the case of
13 *Knowles-Carter v. Beyoncé* that I flagged, there are essentially
14 two concerns; one is entering a judgment as to damages as there
15 may be joined in several liabilities, that one would not be an
16 issue here since the plaintiff agreed that deciding damages
17 could be premature, and the other issue is whether a default
18 judgment as to one defendant would prejudice a defendant who is
19 actively litigating the case so that's why I was curious about
20 your view on behalf of JGX. If I understand correctly, you are
21 of the view that a default just as to liability would not
22 prejudice JGX -- obviously this is separate from whether or not
23 a default is appropriate -- but as to that initial question
24 your view is that it would not prejudice your client?

25 MS. SUTTON: I would have to take a further look at

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1 the case law but if we are provided our opportunity to defend
2 the case I don't see why it would impact our claims, the claims
3 as to JGX.

4 THE COURT: Mr. Schnapp, let me ask you about that a
5 little bit more because one of the claims is obviously under
6 civil RICO and I believe a defense that JGX has raised is that
7 it was not part of the enterprise. Would it be problem if
8 there is a default on liability as to that claim and then maybe
9 down the road there is a finding by the fact finder that JGX
10 was not part of the enterprise?

11 MR. SCHNAPP: Well, your Honor, I mean, I don't know
12 that I would use the word "problem." I think that what we know
13 so far -- and JGX may disagree -- but we know that JGX and/or a
14 principal of JGX or people affiliated with JGX were using
15 without -- it is already in the record, that they were using a
16 label "Urbane" -- it is our client's trademark brand -- without
17 authorization to make counterfeit hand sanitizer or were
18 importing it into the United States -- it was being created in
19 Mexico and brought, by trucks, over the border to numerous
20 states. We don't know yet exactly where it has all been sold.
21 We know that it was sold possibly through major retail outlets
22 and we also know that as part of that, JGX had and was working
23 with, among others, Liberty and other parties, individuals, and
24 perhaps other companies that have not yet been identified.

25 So, to answer your Honor's question directly, we think

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1 that ultimately we will establish a RICO violation. We do
2 believe that JGX will be jointly and severally liable for that
3 RICO violation. I don't see, unless I am missing something,
4 how having the default entered against Liberty now would mean
5 the down the road that if JGX does mount a successful defense
6 it will make much of a difference. I mean, JGX either
7 committed a RICO violation or they didn't, and if they did and
8 that's the finding of the Court or of the jury, then in that
9 case it's a -- I believe we have a remedy against JGX on that
10 basis. So, I don't see it as a problem and I think that, from
11 the plaintiff's point of view, I don't believe it would affect
12 our rights should the Court proceed to enter a judgment on that
13 claim now.

14 THE COURT: Thank you, Mr. Schnapp. My main question
15 here relates to the possibility of inconsistent verdicts on
16 liability. In other words, a default judgment as to one
17 defendant on liability and possibly the jury finds no liability
18 as to JGX after trial where it would seem difficult to imagine
19 how one could be part -- from what I understand of the
20 allegations, one defendant could be part of a RICO enterprise
21 without and the other one not be a part.

22 Do you see what I am saying?

23 MR. SCHNAPP: I understand what your Honor is saying.
24 No, I don't see it as a problem. I think, again, I understand
25 what your Honor is asking. I believe that JGX obviously is

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1 going -- has appeared and will defend and should the case
2 proceed to trial it is conceivable that JGX does not become
3 liable for the RICO violation but I don't -- I guess what I
4 am -- maybe it is too early in the morning for me but I'm not
5 seeing how it is a problem if that claim is entered as against
6 Liberty at this point.

7 THE COURT: Thank you. Give me one moment?

8 (pause)

9 THE COURT: Thank you, Mr. Schnapp. So, here is my
10 concern right now with going forward on the default judgment
11 this morning as to Liberty, and the end of what I am going to
12 say is we are going to adjourn today's proceeding and,
13 Mr. Schnapp, I will give you some time in the interim in case
14 there is anything you want to submit on the issue of potential
15 inconsistent liability. You may not want to, but I will give
16 you the opportunity if you want to send me anything but,
17 Mr. Schnapp, the fact that Mr. --

18 MR. AMOYELLE: Amoyelle.

19 THE COURT: Amoyelle -- sorry -- has appeared or is
20 present today --

21 MR. AMOYELLE: Even has been working with both
22 parties.

23 THE COURT: Please give me a second, Mr. Amoyelle --
24 suggests that since he is alleged to be, in your complaint, the
25 principal of Liberty, suggests to me that Liberty may want to

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1 challenge this lawsuit. Now obviously, as we discussed
2 earlier, Mr. Amoyelle cannot represent Liberty but I do think
3 given, especially given that this is a relatively recent case,
4 entering default judgment at this point may not be the prudent
5 thing to do so I'm not going to go through with the colloquy
6 that I would normally do with you to figure out if default
7 judgment is appropriate. Instead I want to, I'm going to
8 adjourn this probably for about four weeks, I will find out
9 what people's schedules are like -- and, Mr. Amoyelle, in the
10 interim --

11 MR. AMOYELLE: Yes.

12 THE COURT: -- I would encourage you to try to obtain
13 counsel for Liberty. Now, I understand what you said earlier
14 about your financial condition and I'm certainly very
15 sympathetic to that --

16 MR. AMOYELLE: Can I just be on the record, just 15
17 seconds, real straight and to the point. This -- hold on one
18 second.

19 (Reporter clarification)

20 THE COURT: Mr. Amoyelle, that was the court reporter.
21 That was who was asking, she was asking who was talking.

22 For the reporter, that was Mr. Amoyelle.

23 Go ahead, Mr. Amoyelle.

24 MR. AMOYELLE: In a nutshell, I'm just a warehouse
25 manager who somebody called me from Mexico offering me an

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1 opportunity to import sanitizer. JGX sent me a label of
2 Urbane. I trusted them. I understand there is issues --

3 THE COURT: Mr. Amoyelle. Mr. Amoyelle, can I just
4 stop you for one second?

5 MR. AMOYELLE: Sorry.

6 THE COURT: I am only stopping you for your own
7 interest --

8 MR. AMOYELLE: OK.

9 THE COURT: -- in that I don't want you to, without
10 having an opportunity to talk to an attorney, possibly admit to
11 something that may not be in your interest. It may --

12 MR. AMOYELLE: Everything is in my interest because if
13 the truth is out there, it is over; this case is over. Meaning
14 if I were to tell you it is day outside you wouldn't argue with
15 me. That's all I want to do, is get the opportunity for a few
16 minutes to be able to present my case. I am sure the judge
17 will figure out very fast what's going on over here. These
18 people turned over my life. I cannot afford legal
19 representation. I don't believe that there is no law, there is
20 nothing, it doesn't make any sense. My life is upside down.
21 These people owe me money. I have people coming after me.
22 Everything is upside down. It doesn't make sense that I'm not
23 able to state, on the record, exactly what happened without
24 legal representation. It doesn't make sense. It just doesn't
25 add up to me. We are in America in 2021. It doesn't add up.

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1 THE COURT: Mr. Amoyelle, this is Judge Cronan again.
2 Here is what I was going to suggest for you.

3 MR. AMOYELLE: OK.

4 THE COURT: There is an office in the court house, the
5 office of pro se litigation. As the Judge in this case I
6 cannot give you legal advice.

7 MR. AMOYELLE: OK.

8 THE COURT: Obviously the other attorneys also on this
9 call cannot give you legal advice if they're not your attorney
10 but the office of pro se litigation may be able to help you
11 navigate this, help you figure out what the appropriate --

12 MR. AMOYELLE: Sorry, your Honor.

13 THE COURT: Yes.

14 MR. AMOYELLE: The office of?

15 THE COURT: Pro se, P-R-O space S-E, litigation. The
16 phone number is 212- --

17 MR. AMOYELLE: Hold on; litigation. 212?

18 THE COURT: 805.

19 MR. AMOYELLE: Right.

20 THE COURT: 0181.

21 MR. AMOYELLE: 0181. OK.

22 THE COURT: Now, Mr. Amoyelle, I want to explain to
23 you though that I do not know if they will be able to assist
24 you. They usually deal with situations where an individual is
25 suing or being sued, not a company. And here at least the

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1 complaint sues a company, not you. But, I think that if you
2 call them they may be able to provide you with at least some
3 information or guidance or maybe even help you obtain a pro
4 bono lawyer to represent Liberty.

5 MR. AMOYELLE: Thank you so much.

6 THE COURT: But, again, I don't know if they will be
7 able to or not, but I think that is your best option. In the
8 interim -- in the interim -- I think we should put off this
9 conference for a few weeks. Mr. Schnapp, I know that's not
10 what you were hoping for today but is there any reason why we
11 cannot do that, given the situation here?

12 MR. AMOYELLE: No, your Honor. I mean, I think that
13 it's completely understandable that -- I understand the Court
14 is wrestling with an issue of default and we have somebody who
15 is on the phone as a principal of the defendant who does not
16 appear and I know the courts don't favor defaults and I
17 understand the court's reasoning in doing it. I think the only
18 comment I would make is that this case, having been filed, I
19 don't have the exact date of when it was filed, I know it was
20 in 2021 but it's, you know, it's a number of months old now.

21 THE COURT: Yes.

22 MR. SCHNAPP: And given that there really has been --
23 I believe that, for whatever the reasons are, financial or
24 otherwise of why Liberty has not appeared, those are not
25 changed. With all due respect to Mr. Amoyelle, the information

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1 your Honor gave him about the pro bono office has been -- that
2 is an available route, it has been available. So, the only
3 thing would I say is that I feel that four weeks feels a little
4 long. I would ask the Court to make it somewhat shorter,
5 somewhere in the two to three-week time period because, to be
6 frank, we are in discovery now and I think as plaintiffs, given
7 the time that has lapsed, we should have an idea of where
8 things stand; if there is going to be depositions where counsel
9 for Liberty are going to be appearing. We don't want to be
10 whipsawed afterward and told we didn't give them the
11 opportunity. And, we need to go forward while the evidence is
12 available and fresh. So, I would ask the Court to limit that
13 to, say, a two-week time period.

14 THE COURT: Why don't we do three weeks -- two weeks
15 from now looks like it might be a difficult --

16 MR. AMOYELLE: I am fine with two weeks, if that makes
17 a difference. I just need, like Ms. Sutton notified me about
18 today, if the Court can e-mail me and keep me in the loop
19 because I have been served, like many addresses that they
20 locally looked up, none of them were my address until I
21 actually got the paperwork. Ms. Sutton had no issue getting
22 ahold of me. She sent me an e-mail, I was responsive. If I am
23 notified -- I even need a week. I will work on it right away.
24 I want this over with. I don't want to waste time on this.

25 THE COURT: Well, Mr. Amoyelle, this goes back to the

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1 problem that we need an attorney appearing for Liberty.

2 MR. AMOYELLE: Got it.

3 THE COURT: When you speak to the pro se office you
4 should explain that to them as well and should also give them
5 the case number for this case.

6 MR. AMOYELLE: OK. What is the case number?

7 THE COURT: It is 21 --

8 MR. AMOYELLE: 21.

9 THE COURT: And then Civ; c-I-V.

10 MR. AMOYELLE: C-I-V.

11 THE COURT: C-I-V; and then 1054.

12 MR. AMOYELLE: 1054. Thank you, your Honor.

13 THE COURT: Thank you.

14 So, why don't we see where we are in two weeks. We
15 can schedule the next conference for July 27th.

16 MR. AMOYELLE: 27th.

17 THE COURT: At 11:30 a.m.

18 MR. AMOYELLE: 11:30.

19 THE COURT: And it will be a telephone conference like
20 this one, it will be the same phone number that everyone is
21 using to call-in to this conference. There also will be an
22 indication on the docket sheet which is, Mr. Amoyelle, the
23 public case with information about the case, although you
24 probably will not be able to access that because you are not an
25 attorney which is why I am making sure that you have that

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1 information now.

2 But, I really emphasize what we started with which is
3 that a company -- and I understand what you are saying about
4 the status of Liberty, but a company can only appear, can only
5 be in court if represented by an attorney. And I understand
6 that that's a problem for you given the financial situation you
7 described but unless Liberty appears with an attorney, there is
8 a very real probability that a default judgment on liability
9 will be entered as to Liberty. And what I mean by that is that
10 I would not order damages but I would potentially issue an
11 order saying that Liberty did what the plaintiff -- what
12 Mr. Schnapp's client alleged that they did, what is alleged in
13 the complaint, and therefore may -- will in the future be
14 liable for damages.

15 So, again, I emphasize that because I think it is very
16 important for you to understand the importance of trying to
17 locate an attorney to represent Liberty in this matter because,
18 again, unfortunately you, as someone who is not an attorney,
19 are not able to do that.

20 Mr. Schnapp, are there any other matters that we
21 should address while we are on the line this morning?

22 MR. SCHNAPP: Your Honor, the only matter -- again, I
23 don't have any direct evidence of this and I would only ask
24 that your Honor I guess pointed out as a point of just going
25 forward, is that I understand, for example, if Mr. Amoyelle, on

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1 behalf of Liberty, and JGX entered the settlement
2 communications, there is a claim -- there is a cross-claim,
3 certainly if that happens that's not anything that we have any
4 control over. I am concerned that the communications have gone
5 somewhat beyond that. I am a little concerned that they could
6 veer on the side of legal advice. I am concerned that
7 Mr. Amoyelle, whether personally or through Liberty, may be a
8 witness, he might be a third-party witness. I also understand
9 Mr. Amoyelle has expressed his own personal financial concerns
10 but I want -- I think it might be helpful if your Honor just
11 makes it clear that there shouldn't be anything that veers on
12 the level of legal advice being given. I understand giving the
13 time and date of a telephone conference is not legal advice
14 but, in my mind -- and forgive me because I do represent the
15 plaintiffs in this case, it's -- it just gets to the point
16 where we need a -- we can't be in a situation where we have any
17 sort of any bleed into an area that is untoward.

18 So, I'm not suggesting that that is happening, I'm not
19 suggesting that has happened. It might --

20 MR. AMOYELLE: For the record, it is not happening. I
21 have no intention to join --

22 MR. SCHNAPP: If I may?

23 THE COURT: Hold on, Mr. Amoyelle.

24 MR. AMOYELLE: No. It is actually upsetting because
25 they're a waste of time at this point, JGX.

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1 MR. SCHNAPP: All right. Your Honor, again, I don't
2 have any evidence of that and I'm not seeking to throw anyone
3 under the bus. I just wanted to ask your Honor to make that
4 clear for any party on this call who may not understand that
5 that is a -- you know, it is a risk to the integrity of the
6 case.

7 THE COURT: And, Ms. Sutton, I will just go to you.
8 Do you have any concerns with what Mr. Schnapp just said? I'm
9 certainly not suggesting anything improper has taken place but
10 do you disagree with anything he said about the proper lines
11 here?

12 MS. SUTTON: I don't disagree. I reject -- I disagree
13 with the suggestion that was implied given that simply all that
14 happened was a notification, since I was in communication
15 regarding a subpoena and there was a deadline, there was the
16 appearance today, I felt that it was just appropriate to advise
17 him that this appearance was occurring and I provided the
18 dial-in information and that was the extent of it.

19 THE COURT: Thank you, Ms. Sutton. And I certainly am
20 not adopting in any way any suggestion at all and I do think it
21 was excusable to flag the conference.

22 MR. AMOYELLE: Yeah. I don't know where he went with
23 that, but.

24 THE COURT: OK. I think we have covered everything
25 we --

L7D5redC

1 MS. SUTTON: I have -- sorry. If I may, your Honor?

2 THE COURT: Go ahead.

3 MS. SUTTON: There was discussions between the
4 plaintiff and JGX regarding a 60-day extension of the case, the
5 scheduling order, given where we are with fact discovery. So,
6 I just wanted to let you know that that letter will be coming
7 in the pipeline.

8 THE COURT: Thank you. And when do you, if you can
9 also include a proposed modified case management plan, just
10 attach that to the letter so if I agree with that I can so
11 order that plan.

12 MS. SUTTON: OK. Thank you, your Honor.

13 MR. AMOYELLE: Your Honor?

14 THE COURT: Go ahead, Mr. Amoyelle.

15 MR. AMOYELLE: If I was able to get questioned by both
16 parties you know how fast this case would be over? It would be
17 over today.

18 THE COURT: Well, it's --

19 MR. AMOYELLE: I am putting out the truth.

20 THE COURT: I do hope that you are able to have a
21 productive conversation with the pro se office and I appreciate
22 everyone's assistance this morning, especially the court
23 reporter because I know this was not a particularly easy one to
24 transcribe but thank you, as always, for your help.

25 I issue everyone a good rest of the day. Take care.

o0o

MR. AMOYELLE: [41]

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